
Wrotham Wrotham	562313 159052	10 October 2007	TM/06/04030/FLEA
---------------------------	----------------------	------------------------	-------------------------

Proposal:	Construction of 139 bedroom hotel with adjoining conference and leisure facilities, car parking, landscaping and associated access
Location:	Former Stocks Nightclub And 1 And 2 Spring Villas London Road Wrotham Sevenoaks Kent
Applicant:	Corporation Properties

1. Description:

- 1.1 The application proposes the development of a 139 bed hotel with adjoining leisure and conference facilities, a large car park together with landscaping and associated access. The development comprises: 139 Bedrooms; Reception/back of house facilities; Conference facilities (472 sq m); Restaurant area/individual meeting rooms; a Leisure club.
- 1.2 The siting of the hotel building is similar to the location approved under the previous application. Conference, dining and leisure facilities are to be located to the London Road frontage, set 6.5m from the edge of the highway.
- 1.3 The leisure centre will include a pool, spa and gym that will also be open to non-residents.
- 1.4 Access to the site will be taken from Nepicar Lane, and thence to the A20 London Road. The junction is to be altered to prevent right turns out - anyone wanting to travel from Nepicar Lane towards London using the A20 or M20 will need to "U-turn" at the M26/A20 roundabout.
- 1.5 The Traffic Assessment submitted as part of the application states that the main car park will comprise 330 car parking spaces although in a revised landscape plan, the number of spaces is more in the order of 385. It is located to the east of the development. Pedestrian access will be via a foot path to the south of the development from London Road.
- 1.6 The building is illustrated to be of a contemporary style with a light coloured rendered elevation and a varied roof type. The plan of the building is close to an H-plan, the conference, dining and leisure facilities have been located along the A20 London Road frontage which is illustrated to include larger areas of glazing and articulation. This section of the building is lower in height than the part of the proposed hotel nearer the M20.
- 1.7 Above the reception and back of house facilities there are three levels of bedrooms, the top level being restricted to a single row of rooms and set back from the main facades.

- 1.8 The building has been sited to avoid an on-site spring. The spring will be maintained and diverted to form a water feature, close to a terraced area to the north of the conference block. It is envisaged this terrace would be utilised in good weather by hotel guests, conference delegates, wedding parties or similar.
- 1.9 The general facades to the bedroom blocks are proposed in a lightweight cladding system utilising glass and insulated metal panels flanked with panels of masonry and render. The building is illustrated to use materials such as local stonework, light coloured render, masonry block work or flat panels of a white limestone effect material. There is to be a metal roof.
- 1.10 The agent states the proposals have been designed to reduce energy consumption, and provide a minimum of 10% of its energy from renewable sources, all as required by current building regulations.
- 1.11 The application is accompanied by an Environmental Impact Assessment.

Statement in support of the application

- 1.12 The agent has submitted extensive correspondence supporting the application, summarised as follows:
- *Notwithstanding the policy context in the development plan, a material consideration is a previous application for a similar hotel development. Planning permission for a 112 bedroom hotel with leisure, conference and ancillary facilities was approved by the Council in 2001. Implementation of that planning permission has been confirmed by the Council following the construction of several foundation trenches. There has been no indication that the Borough Council has an intention at the present time of statutorily revoking the existing permission that is in place on this site. The existence of this implemented permission is clearly an important material consideration in the decision making process. This revised planning application must therefore be assessed using as a basis, the existing outstanding planning permission for the hotel.*
 - *The hotel subject of this application would not be materially more harmful to the character and appearance of the area than the scheme for which the Council has already granted planning permission.*
 - *The character and dispersal of the proposed development compared with the existing use has regard to the main features of the landscape and integrates new development with its surroundings, having no detrimental impact on the openness of the Green Belt.*
 - *There is an improvement to visual amenity and adequate provision is made for the maintenance of landscaped areas where appropriate.*

- *The revised scheme is not considered to create any greater impact on the openness of the MGB over and above that given by the existing outstanding consent. The proposed scheme would however provide further benefits with opportunity to update the development in line with modern environmental standards in regard to energy efficiency and accord with sustainable development principles. The revised scheme also provides a state of the art hotel facility meeting the current needs of the market and serving the local business and tourism economy.*
- *Alteration to the aesthetic nature of the development is in accordance with national planning policies which address the importance of good design as a key element in achieving sustainable development that contributes positively towards improvement of the built environment; creating successful, longer lasting facilities which aid in improving the economic viability of a location.*
- *The proposed new hotel, leisure and conference development will provide much needed modern facilities in an area with excellent access to the motorway network, London and the coast.*
- *The site remains undeveloped, notwithstanding implementation of planning permission TM/00/02796/RM in 2001. Whilst it has remained unfinished, the site has become over grown and a wasted resource. The proposals provide the opportunity to regenerate and enhance the site with a well designed hotel sympathetic to its location.*

2. Reasons for reporting to Committee:

- 2.1 The application is a departure from the development plan, has generated a lot of local opposition and has a complex planning history.

3. The Site:

- 3.1 The site, formerly known as Stocks Nightclub, is located on the northern side of London Road, Wrotham.
- 3.2 The site extends to 3.5 hectares of gently sloping land that includes some derelict buildings in the central part of the site.
- 3.3 The site is bounded to the south by London Road (A20). The site is bounded on the eastern side by Nepicar Lane, which passes underneath the M20 towards Little Wrotham.
- 3.4 To the western boundary of the site is a densely wooded area. Running alongside the western boundary is a driveway leading to stables located adjacent to the far northwest corner of the site.

- 3.5 The site is bounded to the north by a public footpath. Beyond the footpath is the M20 motorway. The public footpath is fairly impeded by overgrown vegetation.
- 3.6 Opposite the site on the southern side of London Road are a number of detached dwellings, the Invicta Business Park, and the Moat Hotel.

4. Planning History:

TM/89/11240/OUT Refuse 29 March 1989
(TM/88/2154)
Outline application for demolition of existing and redevelopment to provide new 120 bedroom hotel in a two storey building with a 3000 sq metre superstore with access, car parking and landscaping.

TM/89/11250/OUT Refuse 29 March 1989
(TM/88/2155)
Outline application for demolition of existing and redevelopment to provide new 9300 sq metre superstore with access car parking and landscaping.

TM/89/11283/OUT Refuse 29 March 1989
(TM/88/2176)
Outline application for demolition of existing and redevelopment to provide new 180 bedroom hotel within a two storey building, car parking, access and landscaping.

TM/91/10600/OUT grant with conditions 3 December 1991
TM/89/1507)
Outline application for 112 bedroom hotel with leisure, conference and ancillary facilities with vehicular parking and access off Nepicar Lane.

TM/94/01696/FL section 73a approved 7 June 1994
(TM/94/0320FL)
Application to vary conditions (ii) and (iii) of permission TM/89/1507 (outline application for erection of 112 bedroom hotel etc) to extend time limits from three to six years, five to eight years and two to five years.

TM/97/00058/OA Application Withdrawn 17 February 1998

Outline Application for demolition of existing buildings and development of a hotel and health and fitness centre together with associated car parking and access.

TM/97/01914/RM Grant With Conditions 12 February 1998

Details of external appearance, siting, design and landscaping submitted pursuant to TM/94/320 to vary conds. 2 & 3 of TM/89/1507 (o/a erection of 112 bedroom hotel etc) to extend time limits from 3 to 6 years, 5 to 8 years and 2 to 5 years.

TM/99/01054/FL Grant With Conditions 25 October 1999

Variation of conditions 01 and 02 of permission TM/94/0320/FL to allow the submission of reserved matters before 03.12.2000 and implementation of development before 3.12.2001.

TM/99/01744/FL Grant With Conditions 14 October 1999

Variation of cond.(iv) of permission TM/89/1507/OA: 112 bedroom hotel with leisure, conference and ancillary facilities with parking & access off Nepicar Lane: amended by TM/94/320, to allow phased construction & occupation.

TM/99/01778/ORM ORM approved 13 October 1999

Amendments to scheme approved under permission TM/97/01914RM: details of external appearance, siting, design & landscaping submitted pursuant to TM/94/0320 to vary conds. 2 & 3 of TM/89/1507 (O/A 112 bedroom hotel etc) to extend time limits.

TM/99/02111/RD Grant 5 January 2000

Details of method for the retention and protection of trees submitted pursuant to condition (ix) of planning permission TM/89/1507: hotel with leisure and ancillary facilities.

TM/99/02144/RD Grant 13 December 1999

Details of external materials submitted pursuant to condition 5 of permission TM/89/1507: Outline Application for 112 bedroom hotel with leisure, conference and ancillary facilities with vehicular parking and access off Nepicar Lane.

TM/99/02145/RD Grant 23 November 1999

Details of surface water disposal submitted pursuant to condition 21 of permission TM/89/1507: Outline Application for 112 bedroom hotel with leisure, conference and ancillary facilities with vehicular parking and access of Nepicar Lane.

TM/99/02146/RD Grant 15 November 1999

details of facilities for the parking of cycles and access to the site by cyclists submitted pursuant to condition 1 of permission TM/97/01914/RM.

TM/99/02147/RD Grant 15 November 1999

details of the surfacing and draining of the vehicle parking area submitted pursuant to condition 2 of permission TM/97/01914/RM.

- 5.3 EA: Object: PPS25 requires a pre-determination flood risk assessment, also one that allows for climate change increasing the volume of surface water run-off. In the absence of a full FRA, the storage of the on-site retained SW runoff is not backed up by details and calculations. Conditions needed on groundwater protection and contamination.
- 5.4 SWS: Foul and surface water drainage details are satisfactory but SUDS rely on facilities which, under current legislation and guidance, are not adoptable by sewerage undertakers and the developer needs to ensure long term maintenance arrangements exist.
- 5.5 MKW: No response.
- 5.6 Ramblers Association: No response.
- 5.7 Kent Fire & Rescue: Emergency access is satisfactory.
- 5.8 Kent Downs AONB: Object – no sympathetic consideration of how the AONB landscape character will be preserved and enhanced by scale, design and materials; sensitive landscaping and boundary treatment will be needed; light pollution needs to be minimised.
- 5.9 CPRE (Kent): The site has very difficult drainage conditions due to the springs and the trenches carried out would not have been in compliance with Policy P3/11 of the TMBLP, so the planning permission has not been secured.
- 5.10 KCC (Highways); Access arrangements will be provided via a Section 278 Agreement between the developer and the Highway Authority. Additional facilities have been added to upgrade the hotel and provide ancillary leisure facilities that are now normal for this type of facility and which are likely to be open for public use. Potential parking requirements are 306 spaces maximum not including staff. It is noted that no allocated coach parking is shown, however if necessary, this could be incorporated within the existing layout. It is likely that some staff will use alternative forms of transport; cycles, motor cycles, car sharing and hence the proposed parking will be acceptable. Subject to each bedroom having a parking space allocated and previous conditions regarding parking and access, I would on balance, support this application.
- 5.10.1 With regard to the request for a roundabout, it is unlikely that the construction of a roundabout would ever be a priority in terms of funding for the Highway Authority so unless it is a requirement in relation to this development, it is unlikely that it would ever be constructed. If the Borough Green by-pass is constructed there could be a significant increase in traffic flows along this length of the A20 but it has never been through detailed traffic assessments etc. There may be no documentary evidence as yet to support assumptions about new traffic on the

A20. The best approach is to assess the current application on the basis of existing flows at the junction with sensitivity testing based on potential increases in traffic arising from the by-pass. A new roundabout on the A20 might conflict with the desire to take traffic off the A25.

5.10.2 The main issue for this development is whether right turning traffic out of Nepicar Lane would be acceptable in safety terms balanced against the considerable inconvenience of everything being forced to turn left. This was less of an issue with the KCC Super Depot at the Poplars because of the proximity of the roundabout at the A20/M26 junction.

5.11 KCC (PROW): Object to original plans as the change in levels would effectively put the footpath on a steep embankment. The scheme needs to be designed to sympathetically incorporate the PROW into the development.

5.12 KCC (Heritage): Archaeological watching brief is needed.

5.13 DHH: Needs standard land contamination condition and informative on asbestos. Although the hotel is not residential development, internal noise in the guest bedrooms should be mitigated with acoustically screened mechanical ventilation.

5.14 Private Reps + Departure, PROW, EIA press and site notices (20/6R/0X/0S): Objections are summarised as follows:

- Concern at the large car park.
- The trees need to be kept as a sound barrier for M20 and M26.
- Construction in 2002 was aborted due to the discovery of waterlogged ground.
- Contrary to Policy P3/11 of the TMBLP regarding remediation of adverse ground conditions.
- Adversely affects views of the local landscape.
- My farming business requires me to use the Nepicar Lane exit off the A20 and into my farm up to 20 – 30 times a day in the peak harvest period and consequently I am concerned about the impact of this development on my business if there is to be an increased amount of traffic in Nepicar Lane and/or an altered traffic flow measure.
- The traffic runs far too fast on this section of the A20 and I have experienced many near misses or collisions at this junction and other junctions on this section of road which I am sure go unreported. This has been exacerbated by the customers using the Moat Pub and the new road markings associated with this.

- A roundabout is needed to deal with the fast traffic flows at the junction of Nepicar Lane with the A20.

6. Determining Issues:

- 6.1 The site is in the AONB, in the MGB, outside the rural settlements of Wrotham and Wrotham Heath; on a Water Gathering Area and close to a SSSI and an Area of Archaeological Potential. It is accessed from Nepicar Lane which has a junction with a Class A road (A20).
- 6.2 There are a number of national, strategic and local policies relevant to this application. However, it will first be useful to briefly summarise the history of the site.

Planning History and the weight to be given to TM/00/02796/RM

- 6.3 The site has former operated as a nightclub, under class D2. A planning application for a 112 bedroom hotel with leisure, conference and ancillary facilities (including access) was first permitted in 1991 (TM/89/1507/OA). Permission was granted subject to the developer signing a Section 106 Agreement to safeguard land that might, in future, be needed to provide for significant highway improvements to the junction of London Road with Nepicar Lane and the Moat Hotel.
- 6.4 Following the grant of outline planning permission for the hotel in 1991, there were a series of renewals and two further schemes for the hotel were approved, the first was approved in 1999, the second was approved in 2001. The second scheme (TM/00/02796/RM) for a 112 bedroom hotel etc was implemented and trenches were dug on site in 2001, just before permission was due to expire. Officers inspected the trenches at that time and an informal view was given that it constituted a “material start” for the purposes of preventing the planning permission from expiring.
- 6.5 I remain satisfied that the 2001 planning permission for the hotel was started and the planning permission is valid, notwithstanding the extremely limited development that took place at the time and the absence of any further progress to date. The 2001 planning permission is not subject to a s106 for highway improvements because the legal agreement was never signed following a reassessment of the need.
- 6.6 Members will note that my view that the 2001 trenches constitute a genuine start of TM/00/02796/RM has been disputed by the Platt and Wrotham PCs and by the CPRE. I am satisfied that this issue has now been thoroughly researched and officers have had sight of independent Building Inspection reports (from the Surveying firm of Butler and Young) which confirm that the use of trench footings was approved and overseen. Counsel’s opinion has also been sought. The objectors mention Policy P3/11 of the TMBLP (that requires thorough investigation

of ground conditions) but that is not something which is relevant in contesting the legality of the implementation of a planning permission as it does not indicate a breach of a condition on the planning permission itself.

- 6.7 It is my view (which is supported by Counsel's advice) that the 2002 works did secure the planning permission for a 112 bed hotel and I can confirm there are no breaches of any pre-conditions which would render that permission invalid.
- 6.8 The existence of the extant planning permission is a material consideration of some weight when reviewing the planning policies which apply to the proposed development.
- 6.9 However, I do not agree with the applicant as to the degree of weight that should be attached. Factors which reduce the weight of any argument as to there being a genuine "fall-back" are as follows: the prospects of the "fallback" position actually occurring must be real and not merely theoretical and the weight to be attached to such a consideration is based on a test of real likelihood. This will be dependent on a number of factors including whether or not it would be commercially viable to complete the development and whether a market exists today in the same way that it would have existed. Members will note that no substantial development has taken place despite the passing of almost 20 years from the first proposals on this site. The applicant has not made any assertion that the previously permitted development will be carried out, as opposed to the suggestion that it might be carried out because the permission was implemented. The applicant has not said it will complete the existing development. Hence in my opinion, there is not a "fallback" position as commonly understood, and this factor should therefore be afforded little weight.
- 6.10 Notwithstanding this conclusion, it is also necessary to examine what harm would arise from the completion of the started development and weigh this against the harm of the current proposal. Essentially, the differences are the change from a three storey pitched roof brick and tile building to a 4 storey flat roofed building predominantly of modern appearance; bedroom numbers increase from 112 to 139; car parking changes from 349 to 330/385. The applicant states that gross floor area increases from 6068 sq m to 7899 sq m; the volume increase from 25 700 cu. metres to 27 266 cu. metres; the maximum height reduces by 0.4 m (ridge of extant scheme to lift shaft of proposal) and 1.6m (ridge of extant scheme to main flat roof of proposal).

Green Belt/Rural Location

- 6.11 This application is fundamentally contrary to PPG2 (Green Belts), PPS7 (Sustainable Development In Rural Areas); Policies SS2 and EN1 of the KMSP and TMBCS policy CP3. It is inappropriate development in the countryside and MGB and a departure from the Development Plan. There is no question that this development will harm the openness and visual amenities of the MGB and harm the rural character of the locality.

- 6.12 In such situations, the onus is on the applicant to demonstrate a case of “very special circumstances” to justify the inappropriate development and to show that there are material considerations which warrant a departure from the Development Plan. Very special circumstances will not exist unless the harm caused by reason of the development’s inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.13 As summarised above in section 1, the applicant argues that the existence of the extant planning permission secured by the excavation of trenches in 2001 is the basis upon which this application should be considered in that the principle of the development is established and that this proposal should be compared with the scheme in the extant approval and that in their view, there are benefits to the new scheme.
- 6.14 However, based upon the differences outlined above, in most respects, the new scheme has a greater impact on the openness and visual amenities of the MGB, particularly by the extra floor area and bulk.

AONB

- 6.15 Structure Plan Policy EN4 relates to the protection and enhancement of the AONB, including land outside the designated area but that might be part of its setting. Policy EN4 states protection will be given to the nationally-important landscapes of the Kent Downs AONB and major commercial infrastructure developments will not be permitted unless it can be demonstrated that there is a proven national interest; there are no alternative sites available or the need cannot be met in any other way; and appropriate provision can be made to minimise harm to the environment.
- 6.16 Other development which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area will not be permitted. Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty.
- 6.17 Policy CP7 of the TMBCS sets out the Council’s policy in respect of the AONB
- “Development will not be proposed in the LDF or otherwise permitted which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:
- major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way;

- any other development that is essential to meet local social or economic needs;
- any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.”

- 6.18 The site lies in a vale and there is higher ground in most directions that provides the potential for longer views back across this vale towards the site and potentially into it, or indeed of future development on it. From most directions, the vale is seen as a complex, disorganised landscape of mixed development interspersed with agricultural uses and crossed by the prominent M26 and M20 motorways. The backdrop of the North Downs scarp slope is an important unifying element.
- 6.19 The landscape treatment of the site which includes large-scale structural landscape planting and other forms of landscape and visual mitigation, such as earth mounding and hedge planting will not mitigate the landscape impact of the proposal because this will not be high enough for a significant number of years and the bunding to the A20 is only 1.4m high in the submitted landscape scheme. It is accepted, however, that compared to the 2001 scheme, the new proposal is slightly lower overall.
- 6.20 The landscape assessment in the EIA did not make any comparison of the differences in materials, bulk or shape between this proposal and the extant scheme, primarily it dealt with the differences in the height.
- 6.21 The hotel operator has yet to be identified and hence this is a speculative scheme. It is likely that the operator will wish to incorporate elements of their corporate style into the finishes of the hotel building. The applicant would be willing to accept a condition requiring approval of the precise details (including samples) of the manufacturer and types and colours of the external facing and roofing materials to be used.
- 6.22 Notwithstanding the above, it is clear that the proposal does not comply with national, strategic or local policies that relate to the landscape value of the AONB and in my view, the new application does not offer any material benefits over the extant scheme in landscape terms as whilst there are benefits from a lower overall height, the design is less vernacular and there is greater overall footprint, floor area and bulk.

Surface Water Drainage

- 6.23 There is a spring on site which currently flows from Spring Pond. It is proposed that a small lake and brook will be created as a part of the landscaping scheme. Geological data indicate that the site overlays Gault Clay. The clay displays very low permeability, so the construction of soakaways could cause or exacerbate flooding.

6.24 Measures to mitigate any adverse impact are likely to include:

- Compliance with EA guidance on temporary drainage arrangements for construction sites;
- Rehabilitation of bare ground at the earliest practicable opportunity;
- Ensuring that the permanent drainage infrastructure is in place before the main features of the scheme are completed; and
- Appropriate management of potentially contaminating activities.

6.25 The applicant states a Flood Risk Assessment (FRA) will be carried out to address the requirements outlined in Appendix F of PPG25.

6.26 Roads and parking areas will introduce a risk of hydrocarbon contamination, which could be transmitted to the stormwater system. However, routine design measures will be adopted to minimise this risk (e.g. provision of oil interceptors on car park outflows).

6.27 Following the applicant's negotiations with the Environment Agency, a limited amount of surface water can discharge to the highway drain on the basis of an upgrade to the highway drain which is currently under capacity.

6.28 The scheme proposes the following:

- The existing (blocked) spring pond overflow pipe be repaired or replaced.
- An overflow from the pond to flow to a drainage swale along the rear boundary of the site, to in turn overflow to a large area of permeable (single size) sub-base beneath the roads and parking. This will act as a very large soak away providing some soakage.
- Rainwater from the roofs and hard landscape areas to be drained via porous (block) paving to the permeable sub-base.
- The sub-base to be designed to provide storage for a 1 in a 50 year storm and the full spring flow (15 l/s) for a period of twelve hours.
- Discharge from the sub-base will be to the upgraded highway drain.
- Foul drainage will be to existing public sewer.

6.29 The hydraulics of the drainage design dictates the levels of the site. Some raising of the site levels is necessary in order for the scheme to function without flooding.

6.30 I am satisfied that the surface water drainage and flooding issues on this site could be overcome by the imposition of appropriate conditions.

6.31 The PC and CPRE mention policy P3/11 of the TMBLP but that policy is not “saved” and therefore can no longer be used.

Nature Conservation

- 6.32 An Ecological Survey found none of the habitats present on the site to be of particular ecological interest and that they do not warrant a high nature conservation value. The only protected or priority animal species identified as being of particular value is the viviparous lizard which is said to be widespread and abundant within suitable habitat in Kent.
- 6.33 The primary impact of the proposed hotel development would be the clearance of vegetation and other material, particularly rubble, from the eastern 70% of the site.
- 6.34 Overall, the residual impacts include one positive at the local level (broadleaved woodland), one negative at the local level (The Spring), and three which are negative, but significant at the site level only. Appropriate measures, especially in relation to the common Lizard can be achieved, subject to agreement with Natural England. In addition it is proposed for supplementary native-species planting and improved management of the retained broadleaved woodland and woodland edge habitat. The new water feature is to be clay-lined, and profiled and planted to maximise its ecological value, again using native species of local provenance; the applicant accepts the need to take account of the presence of breeding birds and possible presence of bats in the brick-built chimney at Spring Villa.
- 6.35 I am satisfied that ecological matters could be dealt with by the imposition of appropriate conditions.

Archaeology

- 6.36 There are no Scheduled Ancient Monuments or other designated archaeological sites on or particularly near the study site.
- 6.37 Little Nepicar Cottage a Listed building (Grade II) lies approximately 100m southeast of the application site boundary. Whitehill, a garden recorded in the Kent Gardens Compendium lies c.200m southwest of the study site.
- 6.38 Additionally, 3 undesigned, archaeological resources have been identified on and near the application site warranting an archaeological watching brief as a condition of planning permission.

PROW

- 6.39 There are two public footpaths within the vicinity of the site. Footpath MR242 lies between the northern boundary of the site and the motorway embankment. This path runs east/west, joining Nepicar Lane to the east. Connecting to this alongside the western boundary of the site is MR242a a restricted byway. This leads south across the London Road. Footpath MR242 is currently in poor

condition and in parts overgrown with vegetation. The footpath is outside of the site boundary and I am of the view that any impact on the integrity of the PROW from land level changes etc could be dealt with by condition.

Sustainability

- 6.40 The hotel will employ 150 staff. One hotel room will be reserved for a member of the management team. The employment of local based staff will be encouraged and a travel plan will be agreed in order to maximise the use of bus, cycle and walking modes of travel as well as encouraging maximum occupancy in cars travelling to the site

Highways/ Sustainability of the Location

- 6.41 PPG 13 (Transport) sets out government guidance on the integration of planning and travel on the national, regional, strategic and local level and promotes more sustainable transport choices.
- 6.42 An improvement to the Nepicar Lane/London Road junction is proposed which will restrict the movement of vehicles from Nepicar Lane onto London Road requiring them to left turn only. There will be a ghost island arrangement with a right turn deceleration and storage lane. Central refuges located on London Road either side of the junction protect traffic and assist the occasional pedestrian crossing the main road.
- 6.43 The TRICS data used to establish the likely trip generation of the proposal include similar conference facilities, etc, to that currently proposed on the application site. The figures calculated in the TA state 106 two-way trips in the am peak (0800-0900) and 97 two-way trips in the PM peak (17.00 to 18.00). Total trips are estimated at 1140. In the context of hotel traffic being relatively spread out in the day, no highway objections have been raised by KCC.
- 6.44 There are no bus services currently running along the A20, London Road, or Nepicar Lane immediately adjacent to the application site. There are bus services running along the A20 further to the south which provide access to the wider area. As a consequence of the poor public transport links, the applicant has indicated the provision of a mini bus to transport staff to and from the proposed hotel in preference to using a private car. However, no on-site staff accommodation will be provided notwithstanding the fact that there are local housing pressures; such provision would enhance the sustainability of the project.
- 6.45 The hotel is designed as a mid-range hotel, aiming to attract mainly business users. In addition to its restaurant and leisure facilities, it provides a medium sized (dimensions) function room which could provide for small scale conferences or training events as well as receptions and private parties.

- 6.46 Conference and training facilities are best located near to public transport nodes to give realistic alternatives to the use of the private car.
- 6.47 The sustainability of the proposal is therefore poor notwithstanding the applicant's stated commitment for employment of local based staff and a travel plan aimed at influencing the use of bus, cycle and walking modes of travel and maximum occupancy in cars travelling to the site.
- 6.48 Members will note that the majority of objectors seek a roundabout at this site but the view expressed by KCC (Highways) is that this is not justified and that the limited highway changes that are proposed are satisfactory. With regard to the KCC comment on the impact of the change in traffic from the Borough Green Bypass, Members will be aware that this is no longer a scheme with planning consent as the previous permission was judged not to have been legally started (due to non-discharge of a number of pre-conditions).

Tourism

- 6.49 RPG9 covers the period from 2006-2016, setting the framework for the long term future of the South East region. Policy TSR5 states that diversity of the accommodation sector should be positively reflected in tourism and planning policies although it is stated that hotel developments should have links with the particular location, transport interchange or visitor attraction, and have measures to increase access by sustainable transport modes; there should be a consideration of site requirements and market characteristics and how these relate to local planning objectives, and encouragement for the provision of affordable staff accommodation as part of new accommodation facilities in areas of housing pressure.
- 6.50 The draft South East Plan is currently awaiting government approval and will then replace RPG9.
- 6.51 PPS 1 (Delivering Sustainable Development) sets out government guidance on sustainable economic growth to support efficient, competitive and innovative business, commercial and industrial sectors. There should be promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe commercial development, and for leisure and recreation – taking into account issues such as accessibility and sustainable transport needs, the provision of essential infrastructure; improved access should be provided for all jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, while recognising that this may be more difficult in rural areas. Planning should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land.

- 6.52 PPS 7 (Sustainable Development in Rural Areas) Paragraph 35 states that local authorities should plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages; and allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.
- 6.53 Paragraph 37 states that for developments involving leisure, tourism and recreation which generate large amounts of travel, the local planning authority should: "Consider the extent to which the proposal needs to be in the proposed location, including whether the development has a meaningful link with the particular location or attraction; Pay particular attention to the scale, layout, parking and access arrangements, and; Seek measures to increase access to the site by sustainable transport modes, and the use of traffic management and appropriate parking policies near to the site."
- 6.54 The Good Practice Guide to Planning for Tourism 2006 states that sustainable development is an essential element of planning. The planning process provides the opportunity to help to make new development more sustainable both through the preparation of development plans and when decisions are taken on specific schemes. Amongst other goals, sustainable development should:" Provide well-designed, safe and accessible development, and create new opportunities that will improve the well being of individuals and the regeneration of communities."
- 6.55 With regard to general principles of tourism policies should: "Maximise the benefits of tourism, in particular ensuring that the development is able to reach its potential to contribute to tourism in the area and for local communities to enjoy those benefits; Identify optimal locations, for example to maximise synergies with other tourist attractions and to promote opportunities for access by public transport; Integrate development with its surroundings both in terms of design and layout and in the way that the service or facility is able to function; and in reference to design and sustainability, Paragraph 5.6 states that developments that are well designed will be more successful and will contribute more to the people who live near or visit them and to the surrounding area as a whole. Paragraph 5.9 discusses the importance of careful design in correlation with sustainability, reducing carbon emissions resulting from construction and operation.
- 6.56 The Kent and Medway Structure Plan Policy EP12 states that with regard to tourist accommodation: sites for the development of high quality tourist, business and conference hotels and for budget hotels will be identified as first priority in, or adjacent to, centres within the strategic hierarchy of centres and proposals for hotel development must demonstrate that they will have no significant adverse environmental or transport impact.

6.57 TMBC saved Policy P6/12 regarding recreation, leisure and tourism in rural areas states that schemes which involve a substantial element of built development will not be permitted.

6.58 It is my opinion that the proposal conflicts with much of the national, strategic and local planning policy on tourism due to the environmentally unsustainable location of the site and the other impacts identified above. There are a number of other hotels close to the application site and there is no evidence submitted as to tangible benefits to the local economy or tourism in particular that will arise from the completion of a hotel at this site or that it is meeting an unmet need.

Previously Developed Land

6.59 The view of the applicants is that the site is despoiled brownfield and therefore development is necessary to regenerate it. The nightclub building on the site was demolished almost 20 years ago and the limited structures which remain are obscured from view. There is an argument that the site has naturalised over time and that its Brownfield status is reduced accordingly.

Conclusion

6.60 Members will note from the above that the development of a hotel on this site is contrary to planning policies on the countryside, MGB, AONB and environmental sustainability.

6.61 The existence of an extant planning permission has been fully considered in the appraisal of this proposal but I consider this should be given limited weight as it is not a genuine “fall-back” position in my view. In any event, there are no overwhelming benefits of the new scheme over and above the extant scheme which alter my recommendation that the application should be refused.

7. Recommendation:

7.1 Refuse Planning Permission as detailed by : Letter dated 09.01.2007, Letter dated 12.12.2006, Letter dated 15.12.2006, Report PLANNING STATEMENT dated 15.12.2006, Design and Access Statement dated 15.12.2006, Section A639.2002.PL.08 dated 15.12.2006, Floor Plan A639.2002.PL.02 B dated 15.12.2006, Floor Plan A639.2002.PL.03 B dated 15.12.2006, Floor Plan A639.2002.PL.04 B dated 15.12.2006, Floor Plan A639.2002.PL.05 B dated 15.12.2006, Elevations A639.2002.PL.06 B dated 15.12.2006, Elevations A639.2002.PL.07 dated 15.12.2006, Site Plan A639.2002.PL.01 C dated 15.12.2006, Transport Assessment dated 15.12.2006, Environmental Assessment dated 10.10.2007, Letter dated 10.10.2007, Letter dated 05.07.2007, Details TRICS dated 05.07.2007, Letter dated 05.04.2007, Report NON-TECHNICAL SUMMARY dated 10.10.2007, Drawing 05-304-R-001 Highway Alterations dated 05.07.2007, Drawing 3683/20 P3 dated 05.07.2007, Drawing 3683/01 P2 dated 05.07.2007 for the following reasons:

1. The proposal is inappropriate development in the countryside which is also Green Belt and inadequate very special circumstances and/or material considerations have been submitted to justify this inappropriateness of the development and the other harm that will arise to the Green Belt and as the result of it being a departure from the Development Plan. The proposal is therefore contrary to PPG 2 (Green Belts); PPS7 (Sustainable Development In Rural Areas); Policies SS2 and EN1 of the Kent and Medway Structure Plan 2006 and Tonbridge and Malling Borough Core Strategy policy CP3.
2. The proposal is harmful to the natural beauty, quality and landscape character of the Kent Downs AONB and no evidence has been submitted as to need for the development or as to the absence of less harmful alternative sites. The proposal is thereby contrary to PPS7 (Sustainable Development In Rural Areas), Policy EN4 of the Kent and Medway Structure Plan 2006 and Policy CP7 of the Tonbridge and Malling Borough Core Strategy 2007.
3. The proposal is in a relatively remote rural location, poorly served by public transport or other alternatives to the private car and no onsite staff accommodation is proposed. The proposal is therefore environmentally unsustainable and contrary to PPS1 (Delivering Sustainable Development), PPS7 (Sustainable Development In Rural Areas), PPG13 (Transport), Good Practice Guide on Tourism 2007 and Policy SP1 of the Kent and Medway Structure Plan 2006 and Policy CP1 of the Tonbridge and Malling Borough Core Strategy 2007.

Contact: Marion Geary